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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA, SOUTHERN DIVISION

ANTHONY K. ANDERSON, an individual,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS; HENRY LANDSMAN,
M.D. an individual; ROMEO ARANSAS,
M.D., an individual; REBECCA KOZLOFF,
an individual; SONYA CARRILLO, R.N., an
individual; GEORGE TIMOTHY KELLY,
M.D., an individual,

Defendants.

Case No. 2:21-cv-00514-CDS-EJY

**STIPULATION TO EXTEND
DISCOVERY DEADLINES**

(SECOND REQUEST)

DEFENDANT GEORGE TIMOTHY KELLY, M.D. (“Dr. Kelly”), PLAINTIFF
ANTHONY K. ANDERSON (“Plaintiff”), and DEFENDANTS NEVADA DEPARTMENT OF
CORRECTIONS, HENRY LANDSMAN, M.D., ROMEO ARANSAS, M.D., REBECCA
KOZLOFF, and SONYA CARRILO, R.N. (collectively, the “NDOC Defendants”), by and through
their respective counsel, and pursuant to LR IA 6-1 and LR 26-3, hereby request a ninety- (90) day
extension of the discovery deadlines set forth in the Scheduling Order (ECF No. 97). The current
Scheduling Order followed the Court’s March 31, 2024 Order Granting Dr. Kelly’s Motion to
Dismiss (ECF No. 89). In its Order (which triggered the lifting of the stay of proceedings), the

1 Court gave Plaintiff leave to amend his complaint again. (See ECF No. 89). Plaintiff filed his Third
 2 Amended Complaint on April 29, 2024 (ECF No. 93), and all defendants filed an Answer thereto
 3 (ECF Nos. 96 and 98).

4 **I. DISCOVERY COMPLETED BY THE PARTIES**

5 All parties served their initial disclosures and Dr. Kelly served a supplement to his initial
 6 disclosures. Plaintiff propounded written discovery on Dr. Kelly, and Dr. Kelly served his responses
 7 thereto. Dr. Kelly propounded written discovery on NDOC, and await NDOC's responses. Dr.
 8 Kelly has initiated the meeting and conferring process with NDOC as to an Fed. R. Civ. P. 30(b)(6)
 9 witness deposition, having transmitted proposed deposition topics. Counsel for Dr. Kelly and
 10 NDOC will confer shortly regarding those topics.

11 **II. DISCOVERY WHICH REMAINS TO BE COMPLETED**

12 The parties anticipate the following discovery is necessary to develop their respective
 13 theories of liability and defenses:

- 14 1. Dr. Kelly will depose the Fed. R. Civ. P. 30(b)(6) witness for NDOC after meeting
 15 and conferring regarding topics and timing. The parties anticipate there may be
 16 motion practice involved if they cannot reach agreement.
- 17 2. Plaintiff will supplement his initial disclosures with updated medical records for
 18 treatment subsequent to his incarceration and Plaintiff will provide executed
 19 authorizations to Dr. Kelly to obtain those records.
- 20 3. Subsequent to receipt of the updated medical records, Dr. Kelly will depose Plaintiff.
- 21 4. Plaintiff will depose Dr. Kelly.
- 22 5. Thereafter, the parties will serve their expert witness designations and conduct expert
 23 witness depositions.

24 **III. REASON WHY DISCOVERY WAS NOT COMPLETED WITHIN THE TIME**
 25 **LIMIT SET BY THE DISCOVERY PLAN**

26 The parties have been working diligently and cooperatively since the stay of proceedings
 27 was lifted, and intend to continue doing so. When discussing how much time was needed for
 28 discovery, counsel for the parties did not fully appreciate at that time that there would be a need

1 obtain additional medical records from providers unaffiliated with NDOC, and that an Fed. R. Civ.
 2 P. 30(b)(6) witness deposition for NDOC would be needed to discuss its policies, procedures, and
 3 practices relevant to this action. Additionally, the parties are finalizing discussions regarding a
 4 settlement conference through the Court, and the logistics of finding availability for all counsel and
 5 all parties and the Court while summer vacations are underway is typically a challenging
 6 undertaking.

7 **IV. GOOD CAUSE EXISTS TO GRANT THE REQUESTED EXTENSION**

8 The parties have complied with the timeframe outlined by LR 26-3, as it is submitted more
 9 than 21 days before the expiration of the July 29, 2024 deadline for initial expert witness disclosures,
 10 which is the earliest discovery deadline the parties seek to extend by ninety (90) days. The parties
 11 have engaged in discovery, however, any expert discovery will be best and most meaningfully
 12 conducted following further written discovery and obtaining medical records. The parties therefore
 13 maintain that a 90-day extension of the existing discovery deadline dates is necessary to provide
 14 time to retain experts who will provide reports, and who are likely to be deposed. The extension
 15 will also accommodate the parties' discussions for finalizing agreement as to a settlement
 16 conference and coordinating the actual event, with the hope of minimizing fees and costs associated
 17 with retaining and deposing expert witnesses.

18 **V. THE CURRENT SCHEDULE FOR COMPLETION OF ALL REMAINING**
 19 **DISCOVERY:**

20 The parties request that the pertinent discovery deadlines set forth in the Court's Scheduling
 21 Order be continued ninety (90) days, as follows:

22 A. **ESTIMATE OF TIME REQUIRED FOR DISCOVERY:** Pursuant to Local Rule 26-
 23 1(b)(1), and with the Court's approval, discovery shall be completed on or before **December 23,**
 24 **2024.**

25 B. **EXPERT WITNESS DISCLOSURES:** Unless otherwise stated herein, and the Court
 26 so orders, the date for the parties to exchange initial expert witness disclosures shall be sixty (60)
 27 days prior to the discovery cut-off date, but not later than **October 24, 2024**, and rebuttal expert
 28 disclosures shall be thirty (30) days prior to the discovery cut-off date, but not later than **November**

1 **22, 2024.**

2 C. DISPOSITIVE MOTIONS: Unless otherwise stated herein, and the Court so orders,
3 the date for filing dispositive motions shall be thirty (30) days after the discovery cut-off date, but
4 not later than **January 22, 2025.**

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1 D. JOINT PRETRIAL ORDER: The parties will submit the Joint Pretrial Order thirty
2 (30) days after the dispositive motion deadline of **February 21, 2025**. If the Court does not issue
3 its Order regarding the parties' dispositive motions within thirty (30) days, the deadline for the Joint
4 Pretrial Order will be thirty (30) days after the Court issues its Order.

5 It is so stipulated and agreed:

6 Dated: July 2, 2024

Dated: July 2, 2024

7 McCormick, Barstow, Sheppard,
8 Wayte & Carruth LLP

Ogletree, Deakins, Nash, Smoak & Stewart,
P.C.

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14
15 Dated: July 2, 2024

16 Nevada Attorney General's Office

17 By: /s/ Kyle L. Hill
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21 Corrections, Henry Landsman, M.D.,
Romeo Aransas, M.D., Rebecca Kozloff,
22 and Sonya Carrilo, R.N.

23 **IT IS SO ORDERED.**

24 
25 United States Magistrate Judge

26
27 DATED this 4th day of July, 2024.

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